

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Chefik Simo,)
)
Plaintiff,) C.A. No. 7:04-22302-HMH
)
vs.) **OPINION AND ORDER**
)
)
Mitsubishi Motors North America, Inc.,)
f/k/a Mitsubishi Motor Sales of America,)
Inc.; Mitsubishi Motors Corp.; and Federal)
Express Corp.,)
)
Defendants.)

The Court having been advised by counsel for the parties that the above action has been partially settled,

IT IS ORDERED that this action against Federal Express Corp. ("FedEx") is hereby dismissed without costs and without prejudice. If settlement is not consummated within sixty (60) days, either FedEx or the Plaintiff may petition the Court to reopen this action against FedEx and restore it to the calendar. Fed. R. Civ. P. 60(b)(6). In the alternative, to the extent permitted by law, either FedEx or the Plaintiff may petition the Court to enforce the settlement within sixty (60) days. Fairfax Countywide Citizens v. Fairfax County, 571 F.2d 1299 (4th Cir 1978). By agreement of the parties, the court retains jurisdiction to enforce the settlement agreement. Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 381-82 (1994).

The dismissal hereunder shall be with prejudice if no action is taken under either alternative within sixty (60) days from the filing date of this order.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
March 8, 2006